

CALIFORNIA ENERGY COMMISSION

1516 Ninth Street
Sacramento, California 95814

Main website: www.energy.ca.gov

**Notice of Proposed Action****ADOPTION OF GUIDELINES FOR CERTIFICATION OF COMBINED
HEAT AND POWER SYSTEMS PURSUANT TO THE WASTE HEAT AND
CARBON EMISSIONS REDUCTION ACT, PUBLIC UTILITIES CODE,
SECTION 2840 ET SEQ.**

California Energy Commission
Docket Number 08-WHCE-1
November 25, 2009

The California Energy Commission proposes to adopt Guidelines for Certification of Combined Heat and Power Systems (Guidelines) according to the Waste Heat and Carbon Emissions Reduction Act (the Act), Public Utilities Code, Section 2840, et seq. as enacted in AB 1613 (Blakeslee, Chapter 713, Statutes of 2007) and amended in AB 2791 (Blakeslee, Chapter 253, Statutes of 2008). These Guidelines are exempt from the requirements of the California Administrative Procedures Act, beginning with section 11340 of the Government Code. Public Utilities Code section 2843(c) is the controlling procedures for the adoption of these Guidelines.

The Energy Commission has prepared this Notice of Proposed Action (NOPA), a Statement of Reasons as part of the supporting documents to adopt the proposed amendments. The Energy Commission has also published the Express Terms of the proposed Guidelines. These documents can be obtained from the contact person designated below or from the Energy Commission website at www.energy.ca.gov/wasteheat/

PUBLIC HEARING AND PROPOSED ADOPTION DATE

The Energy Commission will hold a public hearing for consideration of public comments and possible adoption of the proposed Guidelines published on November 23, 2009.

This hearing will be held on:

WEDNESDAY, JANUARY 13, 2010
Beginning 10 a.m.
California Energy Commission
First Floor, Hearing Room A
1516 Ninth Street
Sacramento, California
(Wheelchair Accessible)

Note: Audio from this meeting will be broadcast over the Internet.
Please see information at: [www.energy.ca.gov/webcast/]

If you have a disability and require assistance to participate in this hearing, please contact Lou Quiroz at (916) 654-5146 at least 5 days in advance.

At this hearing any person may present statements or arguments relevant to the proposed action. Interested persons may also submit written comments (see below).

PUBLIC COMMENT PERIOD/WRITTEN COMMENTS

The public comment period for this NOPA will be November 25, 2009 to December 28, 2009 (33 DAYS). Any Interested persons may submit written comments on the proposed Guidelines. Written comments must be submitted to the Energy Commission by December 28, 2009. All comments must be identified with “**Docket No. 08-WHCE-1**” and may be submitted in one of three ways:

1) Mailing them to:

California Energy Commission
Docket No. 08-WHCE-1
1516 9th Street, MS-4
Sacramento, CA 95814-5512

2) E-mailing them to [DOCKET@energy.state.ca.us], or

3) Faxing them to Dockets at (916) 654-4365

COPIES OF THE GUIDELINES AND INITIAL STATEMENT OF REASONS

The proposed Guidelines for Certification of Combined Heat and Power Systems Pursuant to the Waste Heat and Carbon Emissions Reduction Act, Public Utilities Code, Section 2840 et seq. and the initial statement of reasons for the proposed Guidelines will be available on November 25, 2009, at the Energy Commission’s website at [www.energy.ca.gov.wasteheat]. To obtain copies of these documents, contact Linda Kelly at (916) 654-4815 or by e-mail [lkelly@energy.state.ca.us]. The Energy Commission will have the entire Guidelines file available for inspection and copying at its office at the above address.

INTERNET ACCESS

The Energy Commission maintains a website to facilitate public access to documents prepared and considered as part of the proceeding. Documents prepared by the Energy

Commission for this proceeding, including this notice of proposed action, the text of the proposed Guidelines, the initial statement of reasons, as well as any other document in this proceeding file, have been posted at [www.energy.ca.gov/wasteheat/].

NEWS MEDIA INQUIRES

News media inquiries should be directed to the Media and Public Communications Office at (916) 654-4989, or by email at mediaoffice@energy.state.ca.us.

COMMITTEE DELEGATION AND AUTHORIZATION

The Electricity and Natural Gas Committee (consisting of Presiding Member Commissioner Jeffrey D. Byron and Associate Member Commissioner James D. Boyd) or a successor Committee with similar powers and duties appointed under Public Resources Code Section 25211 presided over this proceeding. The Committee, on behalf of the Commission, has authority to take all actions necessary and appropriate to comply with all applicable legal requirements, including but not necessarily limited to the Warren-Alquist Act, the Waste Heat and Carbon Reduction Act, and the California Environmental Quality Act.

The Committee is authorized to work collaboratively with the Public Utilities Commission and the Air Resources Board to ensure implementation of the Act in a manner consistent with its legislative purpose. Any and all decisions, policies, guidelines, rules or regulations proposed by the Committee in this rulemaking shall become final when formally adopted by the Commission at a business meeting.

AUTHORITY AND REFERENCE

The Energy Commission proposes to adopt the Guidelines for Certification of Combined Heat and Power Systems under the authority of Public Utilities Code section 2843.

AVAILABILITY OF MODIFIED AMENDMENTS

At the January 13, 2010, adoption hearing, the Energy Commission may adopt the proposed Guidelines. If modifications are made and they are sufficiently related to the originally proposed Guidelines, the full modified text with changes clearly indicated will be made available to the public at least 10 days before the Energy Commission adopts the Guidelines. A notice of availability of any such text will be placed on the Energy Commission's website and will be mailed to all persons to whom this notice is being mailed, as well as to all persons who submitted written or oral comments at workshops. In addition, copies may be requested from the contact person named in the NOPA and from the Docket Office. The Energy Commission will accept written comments on any

such modified text for at least 10 days after the text is made available to the public. Adoption of the modified Guidelines will be considered at this public hearing scheduled on January 13, 2010, or a subsequent noticed public hearing.

PUBLIC ADVISOR

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission activities. If you want information on how to participate in this forum, please contact the Public Adviser's Office at (916) 654-4498 or toll free at (800) 822-6228, by FAX at (916) 654-4493, or by e-mail at [PublicAdviser@energy.state.ca.us]. If you have a disability and require assistance to participate, please contact Lou Quiroz at (916) 654-5146 at least five days in advance.

DESIGNATED CONTACT PERSON

Inquiries concerning all aspects of this process, including the substance of the proposed Guidelines should be directed to Arthur J. Soinski, Ph.D., Electric Generation System Specialist, at (916) 654-4674 or by e-mail at [asoinski@energy.state.ca.us]. For general questions regarding the proceeding please contact Linda Kelly, Electric Generation System Specialist, at (916) 654-4815 or by e-mail at [lkelly@energy.state.ca.us].

COPY OF THE FINAL STATEMENT OF REASONS

At the conclusion of this proceeding, persons may obtain a copy of the final statement of reasons once it has been prepared by visiting the Energy Commission's website at [www.energy.ca.gov/wasteheat] or contacting Linda Kelly at (916) 654-4815 or by-mail at [lkelly@energy.state.ca.us].